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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,898	04/11/2005	Masahito Imamura	7398/8-4065	8880
42798 7590 09/05/2008 FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036				
EXAMINER CHAPMAN, JEANETTE E				
ART UNIT 3633		PAPER NUMBER		
MAIL DATE 09/05/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/500,898

**Applicant(s)**

IMAMURA ET AL.

**Examiner**

Jeanette E. Chapman

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 7/7/04, 8/8/06, 3/3/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling (61627480 in view of alts (6569509) and WO 03/021096

#### Claim 1

Schilling et al discloses a floor laying material laid on a floor panel provided within a cabin of a vehicle, comprising: a carpet layer 15 and a buffer layer 25. Schilling lacks the following:

a carpet layer having a front-to-back flow resistance value adjusted between 100 Nsm-3 and 1000 Nsm-3; and

a buffer material layer made of a material having an air wrapping property, layered on the back surface of said carpet layer, and having a front-to-back flow resistance value adjusted between 40 Nsm-3 and 800 Nsm-3.

Alts a covering layer having a front-to-back flow resistance value adjusted between 900 and 2000 thus including the recited 100 Nsm-3 and 1000 Nsm-3.

WO 03/021096 discloses a buffer material layer made of a material having an air wrapping property, capable of being layered on the back surface of said carpet layer, and having a front-to-back flow resistance value adjusted between 200 and 10,000 and hence including 40 Nsm-3 and 800 Nsm-3.

Claim 2

Alts discloses said flow resistance value of said carpet layer is adjusted between, 900-2000 thus including 100 Nsm-3 and 500 Nsm-3.

Claim 3

Alts discloses the wherein joining strips 20 made of a thermoplastic resin are discontinuously arranged on the back surface of said carpet layer, such that said carpet layer 15 and said buffer material layer 25 are layered through said joining strips 20. See column 3, line 62 through column 4, line 27.

Claim 4

Schilling et al discloses a molding material of thermoplastic resin 20 formed in a fiber state is dispersed within said carpet layer. See referenced text above.

Claim 5

With the modification of the above to secondary references, the floor laying material according to wherein said flow resistance value of said carpet layer of said floor laying material laid at a position substantially near a prime mover equipped in said vehicle is set to be lower than said flow resistance value of said carpet layer of said floor laying material laid at a position relatively away from said prime mover.

Claims 6-7

The thickness of said buffer material layer is provided to have a thickness of 5 mm or more when laid on said floor panel has been considered a matter of choice lacking criticality and relevancy since applicant has not shown that

thickness values away from the above recited measurement cause the material to function inferiorly or different than the prior art.

In view of the above it would have been obvious to modify Schilling in view of the cited secondary references to improve the sound absorption properties.

Claims 8-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Regan in view of Schilling.

#### Claims 8-9

O'Regan et al discloses a piece mat comprising a knitted pile layer having knitted pile yarn 3; a base cloth layer 6 bearing said knitted pile layer; and a cushion material layer layered 5 on the back surface of said base cloth layer 6 but lacks this accomplished through discontinuously arranged joining strips made of a thermoplastic resin as shown by Schilling,

O'Regan discloses a flow resistance value from the top surface of said knitted pile layer to the back surface of said cushion material layer is adjusted between 500 to 4000, and hence including 100 Nsm<sup>-3</sup> and 1500 Nsm<sup>-3</sup>, between 80 Nsm<sup>-3</sup> and 700 Nsm<sup>-3</sup>, and a front-to-back flow resistance value of said cushion material layer is adjusted between 40 Nsm<sup>-3</sup> and 1000 Nsm<sup>-3</sup>.

#### Claim 10

O'Regan et al discloses a structure of a floor laying material 5/6/8 and a piece mat 2-3/4/7, wherein the piece mat according to claim 8 or-9 is arranged on the floor laying material according to claim 1.

#### Claim 11

O'Regan discloses the arranging arranged structure of a floor laying material and a piece mat according to claim 10, wherein a portion on the surface of said carpet layer of said floor laying

material on which said piece mat is arranged is made lower than the remaining portion.

Claim 13

O'Regan discloses wherein at least one of said floor laying material and said piece mat comprises at least one of a water-repellent layer 4/7 made of a water repellent material which rejects water, and a water absorbing layer 2 made of a material which absorbs water.

Claim 14

O'Regan discloses a buffer material layer 2 of said floor laying material and said cushion material layer 5 of said piece mat are formed with a large number of pores which wrap air, at least in a portion thereof.

Claims 15-17

O'Regan discloses A method for reducing reflected sound waves of a floor panel adapted for use within a cabin of a vehicle, said method comprising:

laying a floor material on said floor panel, said floor material comprising:

a carpet layer 3/2 having a front-to-back flow resistance value adjusted between 100 Nsm-3 and 1000 Nsm-3;

a buffer material layer 5 made of a material having an air wrapping property, layered on the back surface of said carpet layer, and having a front-to-back flow resistance value alts discloses this value between 40 Nsm-3 and 800 Nsm-3;

and arranging a piece mat 5/6 on said floor material 8, said piece mat comprising a knitted pile layer 3having knitted pile yarn; a base cloth layer 2 bearing said knitted pile layer; and a cushion material layer 5 layered on the back surface of said base cloth layer and schilling discloses this joining through discontinuously arranged joining strips made of a thermoplastic resin,

O'Regan discloses a flow resistance value from the top surface of said knitted pile layer to the back surface of said cushion material layer is adjusted between 100 Nsm-3 and 1500 Nsm-3. In view of the above it would have been obvious to modify O'Regan to include the joining layer of schiller et al to provide a stronger connection between the carpet and buffer layers claim 12 is objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claims

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6743. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/JEANETTE CHAPMAN/  
PRIMARY EXAMINER  
ART UNIT 3633